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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 FLUIDIGM CORPORATION, A DELAWARE
CORPORATION; AND FLUIDIGM CANADA
18 INC., A FOREIGN CORPORATION,

19 Plaintiffs,

20 v.

21 IONPATH, INC., A DELAWARE
CORPORATION,

22 Defendant.
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Case No. 3:19-cv-05639-WHA

**PLAINTIFFS' STATEMENT OF
NONOPPOSITION IN RESPONSE TO
DEFENDANT'S MOTION FOR
LEAVE TO AMEND INVALIDITY
CONTENTIONS**

Pursuant to Civil L.R. 7-3(b), Fluidigm Corporation and Fluidigm Canada Inc. (“Fluidigm”), by and through their attorneys, hereby respectfully submit this Statement of Nonopposition in Response to Defendant IONpath Inc.’s (“IONpath”) Motion for Leave to Amend Invalidity Contentions (ECF 92).

Pursuant to the parties’ Stipulation concurrently filed herewith, IONpath has agreed to, *inter alia*: (a) by July 10, 2020, limit its invalidity contentions for the showdown claims to no more than ten (10) prior art references and no more than ten (10) prior art grounds; (b) no later than fourteen (14) days after the Court rules on the parties’ cross motions for summary judgment on the showdown claims, further narrow its invalidity contentions for the showdown claims from those identified on July 10, 2020 to no more than eight (8) prior art references and no more than six (6) prior art grounds; and (c) to meet and confer with Fluidigm to discuss limiting IONpath’s invalidity contention references and prior art grounds for the non-showdown claims shortly after the showdown process comes to a close. In return, and pursuant to that same Stipulation, Fluidigm has agreed to not oppose IONpath’s Motion.

This Statement of Nonopposition does not waive Fluidigm’s right to object to and challenge any future attempts by IONpath to amend, supplement, modify, or otherwise go beyond the permissible scope of its Invalidity Contentions (or, should the Court grant IONpath’s Motion, its Amended Invalidity Contentions).

Dated: June 26, 2020

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/ Nick E. Williamson

K. Lee Marshall
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*Attorneys for Plaintiffs Fluidigm
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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2020, the above document was filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: June 26, 2020

/s/ Nick E. Williamson